

IN THE
UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION

People ex rel.

JAMES RUSSELL JOHNSON,

Petitioner,

- Vs. -

RICHARD A. MEYERS,

Respondent,

Case No.: 2008 C 50002 .

FILED
AUG 22 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT.

AFFIDAVIT FOR SUBSTITUTION OF JUDGE

Pursuant to 28 U.S.C. § 144, the petitioner presents this timely and sufficient affidavit for substitution of judge. The petitioner, being duly sworn, deposes and states whereas:

1. That Judge Frederick J. Kapala before whom this remanded cause on petition for emergency habeas corpus relief, as amended, does have a personal bias and prejudice against the petitioner, in favor of the adverse party;

2. That Judge Frederick J. Kapala's bias and prejudice is inferred and is reflected by prejudicial rulings and incorrect orders previously entered, prior to remand as per this cause; Order's as heretofore previously entered, are incorporated herein by reference; Such judgments and orders were not supported by law, rule, case law or constitution. In that such law or rule(s) cited were intentionally misrepresented or misapplied whereas in attempt to avoid or prolong this petitioners redress, or to intentionally cause undue delay;

3. That Judge Frederick J. Kapala has previous long-standing State judicial colleague and professional relationship(s) with one or more of the individuals involved within this action. Bias and prejudice can additionally be inferred with the undue delay(s) with any resolution or action as per this emergency cause regarding unlawful and false State imprisonment upon non-existent criminal statutory offenses as this petitioner has been, and is, wrongfully and excessively imprisoned thereto;

4. That Judge Frederick J. Kapala has allowed personal bias and prejudice to directly influence any previous behavior, judgements, orders, or rulings relating hereto, in that Judge Kapala has duly failed to abide by, or follow, the United States Constitution, or to follow United States Code or federal rules of Civil procedure, and has been denying this petitioners prompt equal protection of law, redress of greivance, procedural and substantive due process, et al;

5. Upon August 04, 2008, this cause was remanded back for further proceedings by the United States Court of Appeals for the Seveth Circuit Appellate Court. This appellate order was premised upon Judge Frederick J. Kapala's error's, misapplication and misconstruction;

6. That Judge Frederick J. Kapala has interferred with the filing of an amended complaint as presented and served on or about August 08, 2008, via the United States Postal Service. As can be shown by postal receipt. To date, any hearing or proceedings are being deliberately ignored and withheld by Judge Frederick J. Kapala, as per the aforementioned bias and prejudice;

WHEREFORE the petitioner, James Russell Johnson, in good faith and for good cause shown, prays for a substitution of judge as per this cause;

PETITIONER prays for any additional relief this honorable Court deems to be fair and appropriate, with prompt hearing as per this cause as remanded back before this Honorable Court upon August 04, 2008;

Respectfully Submitted;

Date: August 21, 2008

By: James Russell Johnson

Mr. James Russell Johnson, #1716, petitioner
650 West State Street
Rockford, Illinois. 61102.

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PETITIONER'S CERTIFICATE OF GOOD FAITH

The petitioner, James Russell Johnson, being duly sworn, depose and state whereas this affidavit for substitution of judge is interposed in good faith, is well founded and supported by the premise incorporated herein by reference.

Date: August 21, 2008

By: James Russell Johnson
Mr. James Russell Johnson, petitioner

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O R D E R

This matter coming on to be heard as per a substitution of judge as presented by the petitioner, *People ex rel.* James Russell Johnson. After being duly advised, pursuant to *28 U.S.C. §144* this cause is heretofore GRANTED/DENIED and transferred to the following Court:

DATED: _____

ENTER: _____

JUDGE

IN THE
UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION

<i>People ex rel.</i>)	
JAMES RUSSELL JOHNSON,)	
Petitioner,)	
)	
- Vs.-)	Case No.: 2008 C 50002 .
)	
)	
RICHARD A. MEYERS,)	
Respondent,)	

NOTICE OF FILING, PROOF OF SERVICE

The undersigned, being duly sworn on oath, deposes and states whereas upon August 21, 2008, the original pleading for substitution of judge had been filed with the United States District Court Clerk at 211 South Court Street, Rockford, Illinois, 61101. One copy was additionally served upon each of the parties listed below, by placing such within the United States Postal Service of the Winnebago County Justice Center at 650 West State Street, Rockford, Illinois, 61102, in envelopes properly addressed as indicated below, with proper postage affixed to the same.

TO:

Winnebago County States Attorney
ASA Gregory Minger
400 West State Street; 8th Floor
Rockford, Illinois. 61101.

TO:

Illinois Attorney Generals Office
AAG Jay Paul Hoffmann
100 W. Randolph Street; 12th Floor
Chicago, Illinois. 60601-3218.

Date: August 21, 2008

By: James Russell Johnson
Mr. James Russell Johnson, #1716, petitioner

